

EXHIBIT 1

DECLARATION OF LINDA SOOKYUNG OH

I, Linda Sookyung Oh, pursuant to the provisions of 28 U.S.C. § 1746, hereby declare under penalty of perjury that the foregoing is true and correct:

1. I am over the age of eighteen years and make this declaration of my own personal knowledge.

2. I am the Director of the National Korean American Service & Education Consortium's Virginia chapter ("NAKASEC VA"). In that capacity, I ensure that NAKASEC VA's mission is realized and oversee the programmatic, fiscal, and operational needs of the organization, and manage our staff.

3. I submit this declaration in support of the brief of *amici curiae* and more generally in support of measures to reduce barriers to access to Thomas Jefferson High School for Science and Technology ("TJHSST") and to promote equality of educational opportunities for all students. In my experience as Director of NAKASEC VA, my immigrant rights' work with NAKASEC national, and serving on the board of the Virginia Civic Engagement Table (VCET), Virginia Coalition for Immigrant Rights (VACIR), and the Fairfax County Alliance for Human Services, I believe that reducing barriers to educational opportunities benefits all students, including diverse Asian American communities in Northern Virginia.

NAKASEC VA's Support of Asian Americans

4. NAKASEC VA is a non-profit, grassroots, membership Asian American organizing and advocacy organization. NAKASEC VA's mission is to organize Asian Americans to achieve social, racial, and economic justice. NAKASEC VA develops holistic programs and campaigns that are guided by community members, meets immediate needs while building Asian American community power in Virginia to make long-term systemic changes that

address the root causes of these needs, and centers human connections. NAKASEC VA began working with community members in Northern Virginia in 2012, soon after the announcement of the Deferred Action for Childhood Arrivals program. NAKASEC VA is part of the national NAKASEC affiliation, with affiliates in Illinois, New York, Pennsylvania, and an emerging chapter in Texas.

5. NAKASEC VA's membership and the communities we serve reflect the rich diversity of the Asian American communities in Virginia, including Korean, Vietnamese, Chinese, Filipino, Indian, and Pakistani community members. Approximately 60% of the community NAKASEC VA serves is low-income, and many live in Northern Virginia, including Fairfax County, Loudoun County, Prince William County, Alexandria, Arlington, and Falls Church. NAKASEC VA serves community members with various immigration statuses, including recent immigrants. Many members of the communities that NAKASEC VA serves speak a language other than English at home, and approximately 75% are limited English proficient ("LEP"). In Fairfax County, census data show that 73.5% of Asian Americans ages five years and older are foreign born, and 30.9% of Asian Americans ages five years and older speak English "less than very well."¹

6. NAKASEC VA's programs and campaigns include immigrant rights, civic engagement, and youth leadership development, as well as language access to public programs and health care affordability and access. NAKASEC VA also has a robust community services program that provides information and referrals about health care and COVID-19 related

¹ U.S. Census Bureau, 2019 ACS 5 year estimates, Table B16005D, NATIVITY BY LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER (ASIAN ALONE) (Fairfax County, Virginia) <https://data.census.gov/cedsci/table?q=United%20States&t=Asian%3ALanguage%20Spoken%20at%20Home&g=0500000US51059&tid=ACSDT5Y2019.B16005D>.

assistance, particularly for LEP community members. NAKASEC VA works closely with the Asian American communities in Virginia through a statewide, non-partisan, and multi-lingual civic engagement program focused on registering, education, mobilizing, and protecting Asian American voters and decennial census participation. NAKASEC VA also devotes resources to advocating for our Asian American communities around the racial biases that our communities face, such as anti-Asian harassment and violence and harmful stereotypes that flatten identities and rob individuals of their humanity.

7. Through the youth leadership development program, NAKASEC VA provides paid internship opportunities to Asian American youth in Virginia. NAKASEC VA engages youth through lessons on the mechanics of organizing and developing campaigns to address problems that impact the Asian American community. The youth learn how to identify issues and work together to engage with community members. The youth program participants this year have expressed concerns about their mental health and wellbeing, and the pressures they face in school and concerns about their future.

8. During the COVID-19 pandemic, NAKASEC VA has experienced an unprecedented number of requests for language assistance from community members seeking to access public services to meet their basic needs. Due to the economic stresses of the pandemic, a large number of NAKASEC VA's community members need assistance with utility payments, access to food, unemployment insurance, as well as COVID-19 vaccination information. Many of the phone lines and websites for these public services in Northern Virginia are not translated or provide interpretation services in Asian languages that our community members speak, such as Korean, Chinese, and Vietnamese. The low-income and LEP communities that NAKASEC VA serves has been particularly affected by the challenges posed by the COVID-19 pandemic,

and many continue to face long-term economic and health impacts. Additionally, many immigrant community members without health insurance forgo seeking treatment for COVID-19 due to fears of immigration consequences and financial concerns.

Improving Access to TJHSST Benefits All Students, Including Asian Americans

9. As an organization that works with and is grounded in Asian American communities, NAKASEC VA advocates for measures that center equity in education and promote access and opportunities for all students, including low-income and immigrant students. As such, NAKASEC VA supports policies that reduce barriers to access to TJHSST for economically disadvantaged students, including low-income Asian American students. Further, as an organization rooted in the community, NAKASEC VA believes it is critically important to implement measures and promote messaging to protect and care for the mental health and wellbeing of Asian American youth and all students. On September 22, 2020, NAKASEC VA submitted a letter to relevant stakeholders, including Fairfax County School Board members, elected state officials in Virginia, and the Secretary of the Virginia Department of Education, to provide an Asian American perspective on the proposed changes to the admissions process at TJHSST at the time. *See An Asian American Perspective on Admissions Process at Thomas Jefferson High School for Science and Technology*, attached hereto as Ex. A.

10. Based on my experience as Director of NAKASEC VA, I believe that Asian American communities are not harmed by efforts to address institutional barriers to high-quality education for all students. Labeling measures to reduce barriers to access as “anti-Asian” misses the mark and can be harmful to Asian American communities by trivializing the very real racial biases and discrimination that our communities face. The Asian American communities NAKASEC VA serves is incredibly diverse and is comprised of communities from different

backgrounds and lived experiences, and fostering learning environments that include this rich diversity can benefit all students.

11. The low-income Asian American communities that NAKASEC VA serves is acutely aware of the inequities and barriers that communities of color face in institutions, including in education. Demographic data show that Asian Americans who are low-income or English language learners (“ELL”) have been starkly underrepresented at TJHSST. In the 2020-21 school year, 28.8% of eighth grade students in the school divisions served by TJHSST were economically disadvantaged and 10.5% were ELLs.² And while 19.8% of Asian American eighth grade students in these school divisions were economically disadvantaged, only 2.0% of the Asian American students at TJHSST were economically disadvantaged, and less than ten Asian American students were ELLs.³

12. Among Chinese, Indian, and Korean American communities that NAKASEC VA serves, for example, there are students and families who struggle with poverty, lack of citizenship, medical debt, and housing insecurity. NAKASEC VA staff have spoken with several Asian American students who had applied to TJHSST under the prior admissions policy, who formed study groups with their friends to study for the admissions test because their parents could not afford private tutoring. These students shared with NAKASEC VA staff that the demands of preparing for the admissions test took a toll on their mental health, and that they also missed out on opportunities to participate in extracurricular activities due to the focus on test preparation through their self-study groups. *See* Ex. A at 4.

² *See* Virginia Department of Education, Fall Membership Build-A-Table, https://plpe.doe.virginia.gov/apex/f?p=180:1:8645387548386:SHOW_REPORT::::.

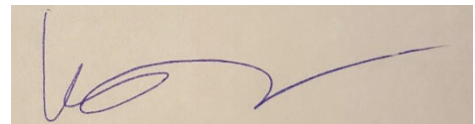
³ *Id.*; *see also* Suppression Rules provided on the webpage, explaining that numbers less than ten are suppressed.

13. The overwhelming majority of the low-income Asian American communities that NAKASEC VA serves supports efforts to expand access to educational opportunities for all students. A parent of a Fairfax County Public School student shared with me that several students were encouraged to apply to TJHSST for the class of 2025 after learning that the \$100 application fee and admissions test were removed, and that some students would not have applied under the previous admissions policy because they could not afford the application fee.

14. Based on my experience and knowledge of the Asian American communities in Virginia, I believe that measures to make TJHSST more accessible would benefit the Asian American communities that NAKASEC VA serves and help reflect the diversity of our communities that is often overlooked, including low-income Asian Americans, Asian Americans from refugee backgrounds, as well as ELLs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _Annandale, VA on _September 13, 2021_____.



Linda Sookyoung Oh

EXHIBIT A

Date: September 22, 2020

From: NAKASEC Virginia

To: Relevant Stakeholders

Re: An Asian American Perspective on Admissions Process at Thomas Jefferson High School for Science and Technology

Summary: NAKASEC Virginia, a non-profit organization that works with and is grounded in Asian American communities, supports reform of the admissions process to Thomas Jefferson High School for Science and Technology (hereafter referred to as “TJ”). A public school like TJ belongs to the public, and measures to offset the unearned advantages enjoyed by applicants from higher-income families is much needed. For decades, TJ has accepted only a handful of economically disadvantaged students, as well as Black and Latino students. Labeling such reform efforts as attacks on Asian Americans and meritocracy are sensational sound bites. Reform will benefit Asian American students in Northern Virginia, especially those who are low-income. While this memo will not go into more detail on the following, NAKASEC Virginia also supports related efforts that seek to center equity, including scrutinizing the Advanced Academics Program, curriculum at TJ, and teacher hiring. Lastly, NAKASEC Virginia would like to raise a critical message from Asian American students that Fairfax County Public Schools, teachers, staff, parents, and other students need to stop the message that TJ is the best and only path to success. This message is factually incorrect and feeds distress, isolation, and anxiety of Asian American youth.

Organizational background

NAKASEC Virginia is one of the region’s only grassroots Asian American organizing and advocacy organizations. NAKASEC Virginia’s mission is to organize Asian Americans to achieve social, racial, and economic justice. We opened our doors in Annandale in 2012 by first organizing undocumented Korean Americans to fight for immigration reform, and later supporting eligible undocumented Asian American youth to apply for the Deferred Action for Childhood Arrivals (DACA) program. We later expanded to supporting low-income Asian Americans complete N-400 citizenship applications. Since 2012, we have expanded organizing issue campaigns to also include health care affordability/access and language access to public programs; a robust community services program that provides information and referrals (particularly for Korean and Vietnamese speaking populations in Northern Virginia) about health care and COVID-19 related assistance, a statewide non-partisan multi-lingual civic engagement program focused on registering, educating, mobilizing, and protecting Asian American voters and Census 2020 participation; and leadership development with Asian American high school and college aged-youth. Staff primarily reside in Northern Virginia and are of Korean, Vietnamese, Filipino, and Taiwanese heritage. We expanded into a second office in Fall 2019 in Centreville. Currently both offices are closed because of COVID-19 and we have pivoted all work that allows staff and volunteers to work from home.

TJ is a public school whose current admissions process is heavily tilted in favor of students whose families come from higher-income families.

When comparing the demographic makeup of all public high schools in the TJ catchment area to that of TJ, TJ is not equally accessible to the diverse student populations across Northern Virginia, including economically disadvantaged, Latino, disabled, English language learners, and

female students. Across the five school divisions, 30% of high school students are economically disadvantaged, compared to 1.9% at TJ. Black and Latino students make up 11.6% and 27% of public high school student enrollment compared to 1.7% and 2.7%, respectively, at TJ. This pattern of enrollment not only fails to reflect the greater diversity in Northern Virginia, it also manifests when looking at disabled student, English language learner, and female student enrollment. See Table 1 for further detail.

Table 1: Overview of Demographics of Grades 9-12 in 5 school divisions and TJ

Division or School	Enrollment (#)	Asian (%)	Black (%)	Latino (%)	Econ. Disadv. (%)	Disabled (%)	ELL (%)	Female (%)	Asian & Econ. Dis (%)
Arlington	28,151	9.1%	10.1%	28.3%	28.0%	14.8%	20.0%	48.4%	38.1%
Fairfax County	188,930	19.5%	9.8%	26.8%	29.2%	14.7%	19.3%	48.0%	19.8%
Falls Church City	2,649	7.7%	3.5%	14.1%	7.7%	12.6%	5.7%	47.0%	10.7%
Loudoun County	83,933	22.8%	6.8%	18.0%	20.0%	11.5%	11.9%	48.7%	11.5%
Prince Wm County	92,270	9.2%	20.1%	35.4%	41.7%	12.7%	17.3%	48.6%	39.6%
TOTAL	395,933	16.9%	11.6%	27.0%	30.0%	13.6%	17.2%	48.3%	20.6%
TJ	1,809	71.5%	1.7%	2.7%	1.9%	1.1%	No available data	39.7%	2.1%

Data Source: 2019-2020 Fall Membership Reports, Virginia Department of Education

If TJ were a private school, perhaps the controversy about the admissions process would not be as pronounced. However, it is a public school funded by taxpayer dollars (including from the families whose students do not get accepted or attend). Admission should be free from bias. However, because the current admissions process to TJ overemphasizes a single test, parents in affluent areas often spend thousands of dollars on coaching and tutoring programs (such as Curie Learning LLC) to prepare 7th and 8th grade students specifically for the TJ exam.

While not specific to the TJ exam, researchers have repeatedly found that higher income students enjoy significant advantages throughout the college application process, and that income greatly impacts student performance on standardized tests. Plainly put, the current TJ admissions process rewards wealth and increases inequality.

As many have already pointed out, the majority of TJ students whose home district is Fairfax County went to a handful of middle schools. It should be no surprise that these middle schools are located in neighborhoods with higher property values, and therefore can better resource elementary and middle schools.

Meritocracy in this case is an illusion. Students in Northern Virginia do not have equal opportunity to prove themselves. This statement is not meant to invalidate that individual students, regardless of their background, put in countless extra hours to study for the TJ exam. Rather, in the wake of the 2008 financial crash and the current COVID-19 public health crisis

where countless Virginians who have worked hard lost their homes and/or currently unemployed, insisting that admission to TJ is solely the result of individual effort is damaging and untrue.

Admissions reform is not anti-Asian.

A majority of Asian American students in the TJ catchment area do not attend TJ. Less than 2% of all Asian American high school students in Arlington County, Fairfax County, Falls Church City, Loudoun County, and Prince William County attend TJ. Broadly speaking, discussions about admissions and the TJ exam command a disproportionate amount of attention among Asian American communities.

Yet, admissions reform is associated as an “Asian American issue,” primarily because the anti-reform efforts are led by Asian Americans who describe the discussion as “anti-Asian.” It makes for an easy soundbite because it is sensational and provocative. But it is wrong.

Calls for admissions reform are driven not by anti-Asian sentiment, but by the shocking disparities made plain by enrollment data that clearly shows that economically disadvantaged students, Black, Latino, and other populations (like female and disabled) students face major barriers to getting into TJ. Consequently, one of admissions reform’s intended consequences should be to ensure more equity in terms of access to TJ.

Asian American communities are not harmed by efforts to address institutional barriers to high-quality education for non-Asian American communities. Labeling the proposed educational reform efforts aimed at furthering racial and economic equity as “anti-Asian” misses the mark and may even trivialize the very real racial biases that our communities face, such as:

- 1) Asian Americans reporting violence (physical, verbal, emotional) or threats of violence because of outside physical appearance (such as what’s happening because of COVID-19 and associations of the virus with people specifically of Chinese heritage or South Asian Americans after 9/11);
- 2) Behavior/rhetoric/policies that create an uncomfortable environment that is neither welcoming or inclusive of Asian Americans (for example, in the face of housing segregation policies, many Chinese American communities formed Chinatowns in the late 1800s or being told to “go back/you’re not welcome here”);
- 3) Flattening our identities to stereotypes that rob us of our full humanity (such as “tiger moms,” “model minorities,” and “being naturally good at math and science”);
- 4) Maintaining or creating policies based solely on race (incarceration of Japanese Americans, including citizens, during World War II or requiring that immigrant men from predominantly Muslim countries to register with the federal government after 9/11 and these men were primarily of South Asian descent);
- 5) Preference/discrimination in which lighter skin is privileged over darker skin among Asian Americans (colorism, use of toxic/harmful “beauty” products);
- 6) Public services and programs not taking into account the specific needs of Asian Americans (such as meaningful language access or failing to provide outreach and communication to Asian American communities); or
- 7) Not being treated with respect because speaking with an accent

We at NAKASEC Virginia have devoted our organizational resources to advocating for our Asian American communities around the issues above.

Reform will benefit Asian Americans.

Research strongly and clearly demonstrates the benefits of diversity in education. A more representative and diverse body of peers cultivates an increasingly positive and healthier learning environment. Immersing students in an environment with others from backgrounds and with experiences different from themselves has been shown to improve cognitive skills such as critical thinking and problem-solving.

NAKASEC Virginia's anecdotal understanding is that TJ can be made more accessible for Asian American communities, too. For instance, within the Asian American community, reform could lead to more access for low-income Asian Americans and Asian Americans from refugee backgrounds, such as Vietnamese, Bhutanese, and Cambodians. Such reforms could also help more people to understand that far from homogenous, Asian Americans are an internally diverse group, with subgroups such as Vietnamese, Pakistani, Bengali, and other ethnic groups at substantial risk of being underserved. Robust data disaggregation at TJ (and throughout Fairfax County Public Schools) will greatly aid our fuller understanding.

In addition, among Chinese, Indian, and Korean American communities, there are students and families who struggle with poverty, lack of citizenship, medical debt, and housing insecurity. Several of the Asian American students we spoke with described how because their parents could not afford private tutoring, they formed study pods with their friends in middle school. The Asian American students who attend TJ are disproportionately higher-income (see Table 1). For example, nearly 20% of Asian American students who attend Fairfax County public high schools are economically disadvantaged; that percentage is only 2.1% at TJ.

Conversations with Asian American students, including those who were rejected from TJ and those who were accepted and decided to go to their neighborhood high school (with that decision supported by their Asian American parents) uncovered an unhealthy message that admission to TJ represents the only viable path to success. For Asian American students who were not admitted, dealing with the rejection has long-lasting damaging impacts and these stressors on mental and emotional health are unnecessary. These same students also reported how their singular focus to prep for the TJ exam (not in private academies because their parents could not afford it but in self-organized study pods encouraged by their middle school teachers and counselors) meant that they did not participate in extracurricular activities. Their lives were shaped by one exam. We must expand this narrative and ensure that not only TJ, but all of our public schools, are adequately resourced.

Other reforms are needed

To be clear, not every Asian American student or parent wants or sees TJ in their future. In addition to admissions reform, we learned from interviewing Asian American students who dropped out of TJ after one year that there are myriad factors that play into a child's success before that child applies to high school and these factors must be considered. While the spotlight is on TJ, specifically its admissions process, stakeholders should also scrutinize the Advanced

Academic Programs (AAP) and the unwelcoming environment (often created by staff and teachers) reported by students of color and students from lower-income households at TJ. Lastly, NAKASEC Virginia supports efforts to diversify teacher recruitment, hiring, and retention in Northern Virginia public schools districts.

Conclusion

What is clear that an admissions process that overemphasizes a single test is flawed. It promotes the demonstrably false concept of a fair system, sets up unnecessary mental health anguish, limits young people's imagination of who they can be, and justifies socioeconomic/racial/gender inequity. It is hard not to feel like we are all being set up to fight each other, considering that TJ accounts for less than .5% of Northern Virginia's high school student population. Yes, the school features state-of-the art laboratories, including a technological computational center, along with opportunities for independent research and experimentation, and interaction with professionals from the scientific, technological, engineering communities. Perhaps there is a future where TJ opens its doors further to provide science and technology enrichment for all Northern Virginia high school students. Presently, the state of Virginia, Fairfax County Public Schools, and other stakeholders have an incredible opportunity to do right for all young people in Northern Virginia, by pursuing an admissions reform that seeks to address the long-standing exclusion of too many in our communities.